



OFFICE OF CHIEF COUNSEL FOR ADVOCACY

U.S. SMALL BUSINESS ADMINISTRATION
WASHINGTON, D.C. 20416

EX PARTE OR LATE FILED

November 12, 1998

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

98-204

Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 12th Street, SW TW-A325
Washington, DC 20554

RE: *Ex Parte* Comments, *In re* Equal Employment Opportunity Program for
Broadcasters, MM Dkt. No. 48-2350

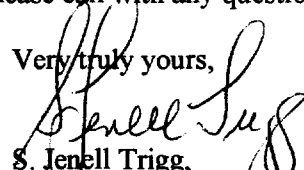
Dear Secretary Salas:

The Office of Advocacy, U.S. Small Business Administration, in accordance with Section 1.1206 of the Commission's rules, hereby respectfully submits two copies of the enclosed written *ex parte* presentation regarding the above-referenced proceeding. I do not believe that a docket number has yet to be assigned.

The purpose of this presentation is to encourage the Federal Communications Commission to reaffirm its commitment to equal employment opportunity at broadcast radio and television stations and to narrowly modify its program in light of the *Lutheran Church-Missouri Synod v. Federal Communications Commission*, decisions of the U.S. Court of Appeals of the District of Columbia Circuit.

Thank you for your assistance on this matter. Please call with any questions.

Very truly yours,


S. Jenell Trigg,
Assistant Chief Counsel for
Telecommunications

Office of Advocacy
U.S. Small Business Administration
409 Third Street, SW Suite 7800
Washington, DC 20416
202-205-6533

cc: The Honorable William E. Kennard
The Honorable Susan Ness
The Honorable Michael Powell
The Honorable Harold Furchtgott-Roth
The Honorable Gloria Tristani

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The Honorable William E. Kennard
Chairman
Federal Communications Commission
1919 M Street, NW Suite 814
Washington, DC 20554

RE: *Ex Parte* Comments, *In re* Equal Employment Opportunity Program
for Broadcasters, MM Dkt. No. _____

Dear Chairman Kennard:

The Office of Advocacy of the U. S. Small Business Administration urges the Federal Communications Commission ("FCC" or "Commission") to reaffirm its commitment to equal employment opportunity at broadcast radio and television stations. We support fully the recent letter from several civil rights organizations addressing this issue. The Office of Advocacy has a special interest in this proceeding given Advocacy's statutory duty to represent the interests of small businesses before the Federal government, including those owned by minorities and women. *See* 15 U.S.C. §§ 634a-g.

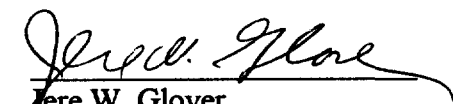
It is no secret that there is a close nexus between *employment* in broadcasting and the *ownership* of broadcast properties. The FCC's race-neutral and content-neutral EEO policy, in addition to deterring discrimination, enables women and minorities to obtain the skills and knowledge necessary to become broadcast station owners. Advocacy is very concerned with the decline in ownership of women-owned, minority-owned, and small stations, particularly since passage of the Telecommunications Act of 1996. Therefore, we support outreach and recruitment efforts that are designed to promote employment diversity, and subsequently diversity in ownership, as a means to serve the public interest and to foster competition in the increasingly consolidated broadcast industry. *See also* 47 U.S.C. § 257 (Market Entry Barriers for Small Business).


Advocacy also concurs with the assessment of many civil rights organizations that the outcome of the U.S. Court of Appeals for the District of Columbia Circuit's initial and FCC's Petition for Rehearing decisions in *Lutheran Church-Missouri Synod v. FCC*, do not prohibit the Commission from combating discrimination nor limit the FCC from imposing record-keeping and reporting requirements essential for assessing the effectiveness and continuing need for an EEO program. We trust that the Commission will also look at the economic impact of such requirements on small stations consistent with the Regulatory Flexibility Act as amended, and if necessary, maintain the exemptions for small stations defined as those with less than five employees.



The Office of Advocacy supports your efforts to revise the EEO policy so as to create an effective and constitutional program of equal employment opportunity.

Sincerely,


Jere W. Glover,
Chief Counsel for Advocacy


S. Jerrell Trigg,
Assistant Chief Counsel for
Telecommunications

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